

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY DAVIS,

Defendant.

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Case No. 1:13-cr-094

JUDGE BARRETT

MOTION FOR PRELIMINARY ORDER OF FORFEITURE

The United States, by its undersigned counsel, hereby moves this Court, pursuant to Fed. R. Crim. P. 32.2(b), for the issuance of a Preliminary Order of Forfeiture. This motion is supported by the record in this case and the following memorandum.

Memorandum

On August 21, 2013, the Grand Jury for the Southern District of Ohio returned an Indictment against defendant Rodney Davis, charging the defendant with coercion and enticement of a minor in violation of 18 U.S.C. § 2422(b) (Doc. 13). On February 10, 2014, the Indictment was amended pursuant to an oral motion in open Court changing Count 1 from 18 U.S.C. § 2422(b) to 18 U.S.C. § 2422(a) (Doc. 32).

The forfeiture allegation in the Indictment contained notice to the defendant that the United States sought forfeiture of certain property pursuant to 18 U.S.C. § 2428 as part of any sentence. The United States has identified the following property (the “subject property”)¹ for forfeiture:

¹ Item b. in the Plea Agreement, an Infiniti G35, VIN JNKCV51E64M611735, is being forfeited administratively.

- a. Taurus Pistol, Model PT940, 40 Caliber, Serial Number SSJ28569, with magazine and 11 rounds of 40 Caliber Ammunition; and
- b. \$789.90 in United States Currency.

On February 10, 2014, defendant Rodney Davis entered into an Amended Plea Agreement (Doc. 34) with the United States in which the defendant agreed to plead guilty to Count 1 of the Amended Indictment and to forfeit the subject property to the United States. The defendant entered a plea of guilty to Count 1 of the Amended Indictment on February 10, 2014 (Doc. 32).

Based upon the evidence set forth in the record, the United States asserts that it has established the requisite nexus between the subject property and the offense to which the defendant has pled guilty. Accordingly, the property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 2428.

WHEREFORE, the United States respectfully requests that this Court enter a Preliminary Order of Forfeiture, forfeiting the subject property to the United States.

Respectfully submitted,

CARTER M. STEWART
United States Attorney

s/Christy L. Muncy

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2014, a copy of the foregoing Motion for Preliminary Order of Forfeiture was filed with the Clerk of Court's CM/ECF Filing System which provides notice to all parties to this action.

s/Christy L. Muncy

CHRISTY L. MUNCY (KY 88236)

Assistant United States Attorney